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January 15, 2025


VIA ECF

Hon. Jennifer L. Rochon, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 1920
New York, NY 10007

Plaintiff's request is GRANTED. The Default Judgment hearing currently scheduled for January 17, 2025, at 12:00 p.m., shall be adjourned to January 31, 2025, at 10:00 a.m. Plaintiff shall serve Defendant with a copy of this Order **within two business days of the filing of this order** and file proof of such service on the docket.

Dated: January 15, 2025
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge

Re: *Matthew McDermott v. Hard Beat Communications, Inc.*,
Case No. 1:24-cv-05119-JLR-SDA

Dear Judge Rochon:

We represent plaintiff Matthew McDermott ("*Plaintiff*") in the above captioned action. Pursuant to Paragraphs 1(A) and 1(F) of Your Honor's Individual Rules of Practice in Civil Cases, Plaintiff respectfully requests an adjournment of the January 17, 2024, Default Judgment Hearing.

In support of this Motion, Plaintiff includes the following:

- (1) The Court has ordered defendant Hard Beat Communications, Inc. ("*Defendant*") to show cause as to why the Court should not order the entry of default judgment as to Defendant at a hearing scheduled before Your Honor on January 17, 2025, at 12:00 p.m. (*Dkt. No. 26*);
- (2) Further, the Court directed Plaintiff to serve Defendant with a copy of his motion for default judgment and its supporting papers (*Dkt. Nos 18-21*) as well as copy of Your Honor's December 17, 2024, Order (*Dkt. No. 26*) and thereafter file proof of service (*see Dkt. No. 27*);
- (3) Cognizant of the Court's general preference to resolve matters on the merits, Plaintiff, via his counsel, made a second service attempt upon Defendant of Plaintiff motion and Your Honor's December 17, 2024, Order on January 14, 2025 (*Dkt. No. 28*);
- (4) In the interest of providing Defendant with a final opportunity to respond to Plaintiff's motion for default judgment, Plaintiff requests the Court adjourn the January 17, 2025, Default Judgment Hearing so as to allow for additional time for Defendant to respond to Plaintiff's motion should it choose to do so;



- (5) This is Plaintiff's first request for an adjournment and/or extension of time;
- (6) As Defendant has yet to appear with respect to this matter, there is no party with which Plaintiff can inquire as to their consent with respect to the instant motion;
- (7) In accordance with Your Honor's Rules of Practice, Counsel for Plaintiff is available January 31, 2025, February 4, 2025, and February 7, 2025, at the Court's convenience for the Default Judgment Hearing.

The instant request is made in good faith and granting the requested adjournment will not prejudice any party to this matter. Thank you for your consideration of this request.

Respectfully submitted,

/s/ Craig B. Sanders

Craig B. Sanders

Counsel for Plaintiff